

Authority: Toronto and East York Community Council Item TE22.6, as adopted by City of Toronto Council on March 9, 2017

## CITY OF TORONTO

Bill 1264

### BY-LAW -2018

**To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known in the year 2017 as 1996, 1998 and 2000 Bathurst Street.**

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by No. 1-83 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. That Section 6 Amendments of Use Districts and District Maps of the former City of York Zoning By-law 1-83, as amended, be further amended by adding a new Subsection (461) as follows:

**"(461) Lands – 1996, 1998 and 2000 Bathurst Street**

By changing the area shown on District Map 15 more particularly shown on Schedule A hereto from R3 – Residential Zone to R3-Residential Zone and Section 16 (461).

2. That Section 16 General Exceptions of the former City of York By-law No. 1-83, as amended, be further amended by adding a new subsection (461) as follows:

**(461) LANDS: 1996, 1998 and 2000 Bathurst Street**

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule A attached to and forming part of this By-law, and municipally known as 1996, 1998 and 2000 Bathurst Street in the year 2017, may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

**MAXIMUM GROSS FLOOR AREA**

- (a) The maximum permitted residential gross floor area on the lot shall not exceed 9,500 square metres;

**MAXIMUM NUMBER OF UNITS**

- (b) A maximum of 115 dwelling units is permitted, 62 of which will be rental replacement dwelling units;

**PERMITTED USES**

- (c) Notwithstanding Section 9.2 of By-law 1-83, the following uses shall be permitted:
  - (i) Apartment houses and associated structures;
  - (ii) Townhouses and associated structures;
  - (iii) Stacked townhouses;
  - (iv) A triplex house;
  - (v) A double duplex house;
  - (vi) A double triplex house; and
  - (vii) Those uses permitted in the R2 zone.

**BUILDING HEIGHT**

- (d) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding: equipment serving the building, elevator overruns, mechanical equipment and any associated enclosure structures, mechanical penthouse, stairs, stair enclosures, vents, chimneys, equipment for heating, cooling or ventilating, and lightning rods, which may project a maximum of 5.0 metres above the height limits shown on Schedule B;

- (e) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule "B" attached to and forming part of this By-law, excluding: wind or privacy screens, pergolas, trellises, dividers/screens, landscaping, and fences, which may project a maximum of 3.0 metres above the height limits shown on Schedule B;
- (f) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding: eaves, decorative architectural features, light fixtures, parapets, terraces, guard rails, window washing equipment, guardrails, balustrades, safety railings, bollards, wheel chair ramps, cornices, parapets, roof drainage, architectural features, and elements of a green roof, which may project a maximum of 1.5 metres above the height limits shown on Schedule B;

### **YARD SETBACKS**

- (g) The minimum yard setbacks shall be as shown on Schedule B attached to and forming part of this By-law except that bollards, wheel chair ramps, vents, wind or privacy screens, landscape elements, terraces, outdoor furniture, trellises, safety railings, fences, guardrails, stairs, railings, stair enclosures, play structures, retaining walls, and garage vent shafts shall be permitted to encroach into the required yard setbacks;
- (h) The minimum yard setbacks shall be as shown on Schedule B attached to and forming part of this By-law except that accessory buildings and structures, cornices, dividers, pergolas, lightning rod, elements of a green roof, canopies, balconies, awnings, heating, cooling or ventilating equipment, ornamental elements, lighting fixtures, parapets, eaves, architectural features, and window wells shall be permitted to encroach a maximum of 1.5 metres into the required yard setbacks;

### **PARKING**

- (i) A parking space shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long, and where a parking space is limited by a wall or other permanent obstruction the parking space minimum width is increased by 0.3 metres for each side of the space that is obstructed;
- (j) An accessible parking space shall be a minimum of 3.9 metres wide and a minimum of 5.6 metres long;
- (k) Vehicle parking shall be provided and maintained on the lot as follows:
  - (i) 0.6 parking spaces per bachelor dwelling unit, excluding any rental replacement dwelling unit;
  - (ii) 0.7 parking spaces per 1-bedroom dwelling unit, excluding any rental replacement dwelling unit;

- (iii) 0.9 parking spaces per 2-bedroom dwelling unit, excluding any rental replacement dwelling unit;
  - (iv) 1.0 parking spaces per 3-bedroom dwelling unit, excluding any rental replacement dwelling unit;
  - (v) 12 parking spaces will be provided in Phase A to replace the existing 12 parking spaces (as identified on Schedule B) and 13 parking spaces will be provide in Phase B to replace the existing 13 parking spaces (as identified on Schedule B), in association with the provided rental replacement dwelling units; and
  - (vi) 0.1 visitor parking spaces per dwelling unit, including all rental replacement dwelling units.
- (l) For each car-share parking space provided, the minimum number of parking spaces for residents required pursuant to (k) above, may be reduced by four parking spaces, up to a maximum of 7 car-share parking spaces;
  - (m) The minimum driveway aisle width shall be 6.0 metres, accessed from the rear laneway;

#### **BICYCLE PARKING**

- (n) Bicycle parking spaces shall be provided and maintained on the lot as follows:
  - (i) 0.9 bicycle parking spaces per dwelling unit for residents; and
  - (ii) 0.1 bicycle parking spaces per dwelling unit for visitors.

#### **AMENITY**

- (o) Amenity space shall be provided and maintained at a minimum rate of 3.5 square metres for each dwelling unit, of which indoor amenity space shall be provided at a minimum rate of 2.6 square metres for each dwelling unit and outdoor amenity space shall be provided at a rate of 0.9 square metres per dwelling unit;

#### **PHASING**

- (p) Nothing shall prevent the phased erection and use of the buildings shown on Schedule B, identified as Phase A and Phase B, including the case where an existing building on the lot has been retained and continues to be in use while a new building has been constructed and is also in use;

**SEVERANCE**

- (q) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot;

**LEASING PRESENTATION CENTRE**

- (r) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office on the lot as of the date of the passing of this By-law;

**REFUSE HANDLING**

- (s) Refuse shall be stored and maintained within a refuse room located on the ground floor. Vehicular access to the refuse room shall be provided from the rear lane;

**LOADING**

- (t) One Type "G" loading space shall be provided, with a minimum length of 13 metres and a minimum width of 4 metres;
- (u) Perpendicular access to the Type "G" loading space from the rear lane is permitted; and

**DEFINITIONS**

- (v) For the purposes of this By-law the following definitions shall apply:
- (i) "bicycle parking space" means an area used for parking or storing a bicycle;
- (ii) "car share" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization. To use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Vehicles are reserved in advance and fees for use are normally based on time and/or charge fees based on kilometres driven;
- (iii) "car-share parking space" means a parking space exclusively reserved and used only for car-share purposes whereby the vehicle is accessible to at least the occupants of the buildings;
- (iv) "established grade" means an elevation of 171.32 metres Canadian Geodetic Datum;
- (v) "height" means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse; and

- (vi) "rental replacement dwelling unit" means a dwelling unit which replaces one of the rental units existing on the lot at the time of enactment of this By-law, as required pursuant to Section 111 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11 and Schedule A of this By-law.

### **OTHER PROVISIONS**

3. Sections 3.2.1(v), 3.3, 3.4.7 and 9.3 of the former City of York Zoning By-law 1-83, as amended, shall not apply.
4. No person shall use land or erect or use any building or structure on the lot unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) All new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
  - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. The provisions of this exception shall apply collectively to the lands notwithstanding a future severance, partition or division of the lands.
6. All other provisions of former City of York By-law No. 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

### **INCREASE HEIGHT AND DENSITY**

7. Matters which are to be provided pursuant to Section 37 of the *Planning Act*, as amended, in order to permit the increased density of the proposed development authorized under section 2(b) and (d) of this Exception are:
  - (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
  - (b) Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.

Enacted and passed on July , 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Appendix 1**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- a. Prior to issuance of an above grade building permit for Phase A as shown on Schedule B, the Owner shall make an indexed cash contribution to the City in the amount of \$100,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
  - i. Local streetscape improvements;
  - ii. Local parks improvements; and
  - iii. Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- b. Prior to issuance of an above grade building permit for Phase B as shown on Schedule "B", the Owner shall make an indexed cash contribution to the City in the amount of \$100,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
  - i. Local streetscape improvements;
  - ii. Local parks improvements; and
  - iii. Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- c. In the event the cash contribution referred to in Sections a and b have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local



Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
1. The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Executive Director of Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support this development;
  2. The owner shall replace the existing rental dwelling units to the satisfaction of City Council in accordance with standard practice and policies, as required. The terms regarding replacement will be secured in the Section 111 permit/agreement, zoning bylaw amendment and Section 37 agreement(s), as required;
  3. The Owner shall provide and maintain not less than thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street with all thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-two (22) replacement rental dwelling units at 1998-2000 Bathurst Street having affordable rents and one (1) two-bedroom replacement rental dwelling unit at 1998-2000 Bathurst Street having mid-range rent , subject to the following:
    - (a) The thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street and twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-law, with any modifications to the satisfaction of the Chief Planner, subject to the following:
      - i. The replacement rental dwelling units shall comprise eight (8) bachelor units, twenty-four (24) one-bedroom units, and seven (7) two-bedroom units at 1996 Bathurst Street and six (6) bachelor units and seventeen (17) two-bedroom units at 1998-2000 Bathurst Street, as shown on the Building Floor Plans prepared by Quadrangle Architects Limited, dated October 10, 2017 and the Unit Layout Plans dated September 23, 2016 submitted to the City Planning Division with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
      - ii. The combined floor areas of the thirty-nine (39) replacement rental dwelling units at 1996 Bathurst Street will not be less than 2,344 square metres, subject to the following: each of the eight (8) bachelor units shall be not less than 44.6 square metres; each of the twenty-four (24) one-bedroom units shall be not less than

- 54.0 square metres, with at least thirteen (13) of the twenty-four (24) being no less than 66.4 square metres; and each of the seven (7) two-bedroom units shall be not less than 72.3 square metres, with at least four (4) of the seven (7) being not less than 100.1 square metres;
- iii. The combined floor areas of the twenty-three (23) replacement rental dwelling units at 1998-2000 Bathurst Street will not be less than 1,730 square metres subject to the following: each of the six (6) bachelor units shall be not less than 40.0 square metres, with at least three (3) of the six (6) being no less than 60.1 square metres; and each of the seventeen (17) two-bedroom units shall be not less than 69.1 square metres, with the exception of one (1) unit which shall not be less than 63.5 square metres, and at least five (5) two-bedroom units shall not be less than 82.5 square metres with at least another four (4) being not be less than 94.1 square metres;
  - iv. Each of the bedrooms in the 62 replacement rental dwelling units shall have an exterior, openable window;
  - v. Replacement rental dwelling units shall be contiguous to each other;
  - vi. The minimum unit sizes listed above and to be specified in the Section 37 agreement may vary by a maximum of 3 percent but only as a result of reasonable adjustments that may need to be made for the purposes of accommodating required final structural or mechanical design. Any such change to the minimum unit sizes will be to the satisfaction of the Chief Planner; and
  - vii. A minimum of 13 resident parking spaces at 1996 Bathurst Street and 12 resident parking spaces at 1998-2000 Bathurst Street shall be made available for the use of the replacement rental dwelling units.
- (b) The sixty-two (62) replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
4. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the sixty-one (61) designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and

Housing Corporation Rental Market Report average rent for the City of Toronto by unit type inclusive of basic utility costs, and upon turnover, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases;

5. The owner shall provide and maintain rents no greater than mid-range rents charged to the tenant(s) who rents the one (1) mid-range replacement rental dwelling units with mid-range rent during the first 10 years of occupancy, with mid-range rents determined on the same basis as Section 3 above except that maximum mid-range rent shall not exceed an amount that is 1.5 times the average market rent by unit type inclusive of basic utility costs;
6. Rents charged to tenants occupying a new replacement rental dwelling unit at the end of the 10-year period set forth in Sections 3 and 4 above shall be subject only to increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in Section 3.b) above with a phase-in period of at least three years to unrestricted rents;
7. Rents charged to tenants newly occupying a new replacement rental dwelling unit after the completion of the 10-year period set forth in Sections 4 and 5 will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
8. For each of PHASE A and PHASE B as identified on in Schedule B, all of the replacement rental dwelling units shall be ready and available for occupancy no later than the date by which 80 percent of the other dwelling units erected on the lot for each phase pursuant to this By-law amendment are available and ready for occupancy;
9. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, in accordance with the more detailed "Tenant Relocation and Assistance Plan", to the satisfaction of the Chief Planner and Executive Director, City Planning. The assistance shall include at least:
  - i. an extended notice period before having to vacate for demolition;
  - ii. the right to return to a rental replacement unit; and
  - iii. all affected tenants shall receive financial assistance to assist with relocation beyond the amounts required by provincial legislation, with extra provisions for tenants with special needs.
10. The Owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a tenant Construction

Mitigation Strategy and Communication Plan for the development prior to the issuance of the first building permit for the development, and agrees to implement same;

11. The Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the conditions outlined above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 8 and 9) to the report from the Director, Community Planning, Toronto and East York District dated January 26, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
12. The Owner shall enter into, and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the sixty-two (62) replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement; and
13. Prior to issuance of any building permit, the owner shall execute and register with priority of title Agreements under Section 37(3) of the *Planning Act* and Section 111 of the *City of Toronto Act, 2006* securing the above noted items to the satisfaction of the City Solicitor.



